

U.S.A. vs ELIODORO ZAPATA-HERRERA

No. 08MJ546-NLS

The Court finds excludable delay, under the section indicated by check (☒),
 commenced on 3/4/08 and ended on 4/3/08; (XA)
 _____ and ended on _____. (_____)

- 3161(h)
☒ (1) (A) **Exam or hrg for mental or physical incapacity**
 _____ (1) (B) **NARA examination (28:2902)**
 _____ (1) (D) **State or Federal trials or other charges pending**
 _____ (1) (E) **Interlocutory appeals**
 _____ (1) (F) **Pretrial motions (from flg to hrg or other prompt dispo)**
 _____ (1) (G) **Transfers from other district (per FRCrP 20, 21 & 40)**
 _____ (1) (J) **Proceedings under advisement not to exceed thirty days**
 _____ **Misc proc: Parole or prob rev, deportation, extradition**
 _____ (1) (H) **Transportation from another district or to/from examination or hospitalization in ten days or less**
 _____ (1) (I) **Consideration by Court of proposed plea agreement**
 _____ (2) **Prosecution deferred by mutual agreement**
 _____ (3) (A) (B) **Unavailability of defendant or essential witness**
 _____ (4) **Period of mental or physical incompetence of defendant to stand trial**
 _____ (5) **Period of NARA commitment or treatment**
 _____ (6) **Superseding indictment and/or new charges**
 _____ (7) **Defendant awaiting trial of co-defendant when no severance has been granted**
 _____ (8) (A) (B) **Continuances granted per (h) (8) -use "T" alone if more than one of the reasons below are given in support of continuance**
 _____ (8) (B) (I) 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
 _____ **(Continuance - miscarriage of justice)**
 _____ 2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
 _____ **(Continuance - tendered a guilty plea)**
 _____ (8) (B) (ii) 2) **Case unusual or complex**
 _____ (8) (B) (iii) 3) **Indictment following arrest cannot be filed in thirty (30) days**
 _____ (8) (B) (iv) 4) **Continuance granted in order to obtain or substitute counsel, or give reasonable time to prepare**
 _____ **(Continuance re counsel)**
 _____ 3161(I) **Time up to withdrawal of guilty plea**
 _____ 3161(b) **Grand jury indictment time extended thirty (30) more days**

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Date 3/4/08

NLS
 Judge's Initials